

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

July 28, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:32 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, Claudia Perchinelli, and Susan Schaefer Kliman. Absent: Sheila Bowen, Robert Roos, and Howell "Chip" Shay. Board Staff: Ronald Dalrymple, LaVern Douglas, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** - Mr. O. L. Sanders addressed the Board regarding Rick A. Jack, Architect #46405.
4. **ADOPTION OF MINUTES** - Ms. Cesare moved to approve the June 23, 2009 minutes. Mr. Lane seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**  
**Review, Consideration and Possible Vote on the following:**
  - A. **Proposed Dismissals**
    1. M09-043, Raymond Burstein, Architect #18895 - Mr. Joe Holeva addressed the Board. Ms. Cesare moved to dismiss this case. Ms. Perchinelli seconded. After discussion, Motion Carried.
  - B. **Proposed Letters of Concern**
    1. M09-052, Felix G. Steele, Land Surveyor #28234 - Mr. Lane moved that a Letter of Concern be issued to Respondent for de minimus violations of the Arizona Boundary Survey Minimum Standards. Ms. Garcia seconded. After discussion, Motion Carried.
    2. M08-115, Wayne E. Swan, Architect #13747 - Dr. Schaefer Kliman advised she knows the Respondent however this will not affect her judgment in this matter. Ms. Perchinelli moved that a Letter of Concern be issued to Respondent for better communication between design professionals. Mr. Lane seconded. After discussion, Motion was withdrawn.  
Mr. Pearson moved to dismiss this case. Ms. Perchinelli seconded. After discussion, Motion Carried.

3. M09-001, Richard L. Andersen, Land Surveyor #36559 – Mr. Lane moved to issue a Letter of Concern to Respondent regarding setting of new monuments near existing monuments that were previously accepted. Mr. Pearson seconded. After discussion, Motion Carried.

**C. Proposed Consent Agreements**

1. M09-022, Cal Vada Surveying – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$85.00. Ms. Garcia seconded. After discussion, Motion Carried.

**D. Discussion and Consideration**

1. M08-066, Phillip A. Schembri, P.E. (Mechanical) #13531 – Mr. Schembri and Rose Marie Savoy addressed the Board. Mr. Pearson moved that a Letter of Reprimand be issued to Respondent. After discussion, Motion Failed (Aye: Pearson and Lane. Nay: Garcia, Schaefer Kliman, Cesare, and Perchinelli.)

Ms. Cesare moved that a Letter of Concern be issued to Respondent for stating that a structure met the requirements of the applicable building code when they did not.. Ms. Perchinelli seconded. Motion Carried.

**E. Proposed Peer Review Candidates**

1. M08-037 and M08-086, Tony M. Enriquez, Architect #33297 – Ms. Garcia moved to approve Mr. Enriquez's peer review candidates (Marc C. Frost, Architect #13210, Charles M. Poster, Architect #10611, and Neil E. Murphy, Architect #14363). Ms. Perchinelli seconded. After discussion, Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

**A. Evaluation of Applications for Examination and/or Possible Granting of Registration or Certification**

1. HI10-001, Anthony J. Harms, Applicant #090738 – Mr. Lane moved to grant Mr. Harms certification upon payment of the appropriate fees. Ms. Garcia seconded. After discussion, Motion Carried.

**B. Review, Consideration and Possible Vote on the following:**

1. HI07-008, Larry E. Krajack, CHI #40925 – Mr. Lane moved to direct Staff to administratively close this case. In the event Mr. Krajack re-applies for certification, the case will be re-opened. Mr. Pearson seconded. After discussion, Motion Carried.

2. M05-273, Jack R. Gilliland, CHI #41089 – Mr. Pearson moved to direct Staff to administratively close this case. In the event Mr. Gilliland re-applies for certification, the case will be re-opened. Ms. Cesare seconded. After discussion, Motion Carried.

3. M05-348, Jack R. Gilliland, CHI #41089 – Mr. Pearson moved to direct Staff to administratively close this case. In the event Mr. Gilliland re-applies for certification, the case will be re-opened. Ms. Cesare seconded. After discussion, Motion Carried.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

**Review, Consideration and Possible Vote on the following:**

A. Motion to Deem Allegations Admitted or in the alternative Formal Hearing to determine Findings of Fact, Conclusions of Law and Issue of Final Order for:

1. DL08-009, Efrain and Maria Contreras, Nonregistrants

This matter is Motion to Deem Allegations Admitted or in the alternative Formal Hearing to determine Findings of Fact, Conclusions of Law and Issue of Final Order for resolution of case DL08-009 scheduled to begin at 11:00 AM and began at 11:04 AM. Assistant Attorney General Christopher Munns of the Solicitor General's Office represented the Board, Assistant Attorney General Mona Baskin represented the State and Mr. and Mrs. Contreras addressed the Board through the assistance of an informal interpreter, Veronica Garcia from Arizona Department of Environmental Quality.

Mr. Lane moved that the Board grant the State's Motion to Deem the Allegations in the Complaint and Notice of Hearing as Admitted. Mr. Pearson seconded. After discussion, Motion Carried.

Mr. Lane moved to adopt the Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law. Mr. Pearson seconded. After discussion, Motioned Carried.

Mr. Lane moved the appropriate discipline in this case is a civil penalty in the amount of \$8,000.00, cost of attorney's fees and the cost of the investigation. Ms. Cesare seconded. After discussion, Motion Carried.

**8. Review, Consideration, and Possible Vote on the following:**

**EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

**A. Examination**

1. Michael Simmons, P.E. (Mechanical) Application #090366 – Mr. Pearson moved to allow Mr. Simmons application to take the Examination. Ms. Garcia seconded. After discussion, Motion Carried.

2. Allen Sadberry, Land Surveyor Application #090103 – Mr. Lane moved to allow Mr. Sadberry to take the Examinations. Ms. Cesare seconded. After discussion, Motion Carried. (Ms. Perchinelli voted Nay.)

3. William Smith, Engineer-in-Training Application #090158 – Ms. Garcia moved to allow Mr. Smith to take the Engineer In-Training examination. Mr. Lane seconded. After discussion, Motion Carried.

4. Aaron Bobkin, P.E. (Electrical) Application #082076 – Mr. Pearson moved to allow Mr. Bobkin application to take the Examinations. Ms. Garcia seconded. After discussion, Motion Carried.

**B. Registration**

1. Stephen Geiger, P.E. (Civil) Application #090533 – Mr. Lane moved to grant Mr. Geiger's application for registration. Ms. Cesare seconded. After discussion, Motion Carried.

**C. Renewal**

1. Urmias Grossthal, P.E. (Civil) Application #44552 – Mr. Grossthal addressed the Board via telephone connection. Ms. Garcia moved to grant Mr. Grossthal's application for renewal. Mr. Lane seconded. After discussion, Motion Carried.

**D. Certification**

1. David Heap, On-Site Worker Application #090641 – Mr. Pearson moved to accept Mr. Heap's application for certification. Ms. Garcia seconded. After discussion, Motion Carried.

**9. Review, Consideration, and Possible Vote on the following:**

**EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training examination

Mr. Lane moved to accept the committee and staff recommendations listed in item 9. Ms. Perchinelli. Motion Carried.

**10. Review, Consideration, and Possible Vote on the following:**

1. Board Member Discussion regarding Ethical Questions – This matter was tabled.

**11. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

**Rule Changes:**

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

**Staffing Report:**

The Board is now down three and a half positions due to the hiring freeze.

LaVern Douglas officially retired as of May 29, 2009. The Board received permission to bring her back at 19 hours per week and to double fill the position of Deputy Director Position.

Melissa Cornelius has been hired as a Deputy Director as part of the double fill program. LaVern is working with Melissa to familiarize her with the many nuances involved in our licensing laws and working relationships with national councils.

**Budget:**

The Board finished the budget year with approximately \$300,000 in reserve because of the budget restrictions imposed by the State.

The Governor's office is still predicting budget reductions up to 20% for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time.

**Board Appointments**

The Board was informed on July 28, 2009 that its prospective appointment list has been delivered to the Governor and appointments should be finalized in August.

12. **BOARD CHAIR'S REPORT** – At the April 28, 2009 Board meeting there was a discussion regarding acceptance by municipalities of site depictions without professional seals and a motion to provide a letter to the City of Tucson Development Services Department. Mr. Dalrymple has received the draft letter and will review and/or revise it for mailing.
13. **STANDING COMMITTEE REPORTS**
  1. **Legislation and Rules Committee ("L&R")** – The L&R Committee will be meeting following this meeting so a report will be made at the August Board meeting.
  2. **Budget Committee** – Nothing to report.
  3. **Home Inspector Rules and Standards Committee ("HIRS")** – Nothing to report.
  4. **Environmental Remediation Rules and Standards Committee ("ERRS")** – Mr. Pearson advised the ERRS Committee met on July 9, 2009. Mr. Dalrymple advised the Board has been in touch with the Governor's office to find out if we can get a release on some of the rules needing modification.
14. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
  1. **National Council of Examiners for Engineering and Surveying ("NCEES")** – Ms. Perchinelli advised the annual meeting is scheduled for August 12 through 15, 2009 so she will have a report at the August meeting. Currently Mr. Dalrymple and Ms. Perchinelli are scheduled to attend. Mr. Dalrymple advised if the appointments go through quickly enough, then the Board will be sending the new land surveyor.
  2. **National Council of Architectural Registration Boards ("NCARB")** – Dr. Schaefer Kliman advised the Six Month Rule is now in effect as of July 1, 2009. So far only one individual has had a problem. Dr. Schaefer Kliman worked with AIA to get the information out via twitter, blogs, and "Q&A" meeting. She will be

working with Ms. Douglas and AIA on how the IDP affects Arizona and to make sure the Board and NCARB are consistent in processing architect-in-training applicants.

3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.

4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.

15. FUTURE BOARD MEETINGS – Tuesday, August 25, 2009 at 9:30 AM.

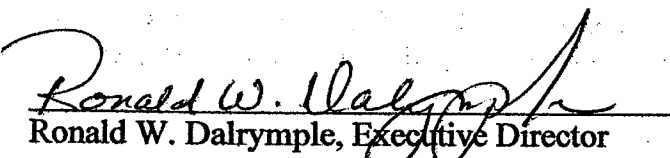
16. FUTURE AGENDA ITEMS

None at this time

17. ADJOURNMENT – Meeting adjourned at 12:20 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
Dr. Susan Schaefer Klman, Chair

  
Ronald W. Dalrymple, Executive Director